

REMARKS

Examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 18 - 20, 24, 29, 30, 32 - 34, 37, and 38 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 18, 20, 24 and 29 have been amended; and claims 33, 34, 37 and 38 have been cancelled without prejudice.

In the office action mailed September 29, 2005, Claims 20 and 37 were objected; claims 18-20, 24, 29, 30, 33, 34, 37 and 38 were rejected under 35 U.S.C. §112, first paragraph; claims 18-20, 24, 29, 30, 33, 34, 37 and 38 were rejected under 35 U.S.C. §112, first paragraph; claims 29, 30, 33, 34, 37 and 38 were rejected under 35 U.S.C. §112, first paragraph; claims 18, 19, 29, 30, 33, 34 and 37 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting; and claims 18 and 19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

It is submitted that the foregoing rejections have been traversed by the present amendment.

The objection to the claims raised by the Examiner has been duly noted. Appropriate correction has been made.

The rejections of claims 18-20, 24, 29, 30, 33, 34, 37 and 38; claims 18-20, 24, 29, 30, 33, 34, 37 and 38; and, claims 29, 30, 33, 34, 37 and 38 under 35 U.S.C. §112, first paragraph are believed to be mooted by the current amendments.

For example, claim 18 has been amended to recite a linear peptide consisting of SEQ ID NO:23.

Claim 20 has been amended to recite a method of vectoring the chemical molecule to a target in vitro using the conjugate of the chemical molecule with the sequence of SEQ ID NO:23.

Claim 24 has also been amended to recite another method of vectoring the chemical molecule to a target in vitro using the conjugate of the chemical molecule with the SEQ ID NO:23.

Claim 29 has been amended to recite a compound of formula (IV), $(Y)_n - (A) - Z_m$, wherein A is the amino acid sequence of SEQ ID NO:23, Z is biotin, doxorubicin or a chemical molecule of an antitumor or antibacterial agent, and wherein m=1 and n=0.

It is submitted that amended claims 18-20, 24, 29 and 30, when read in light of the specification, comply with the requirements of 35 U.S.C. §112, first paragraph.

The claims 18, 19, 29, 30, 33, 34 and 37 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10-12 and 18 of co-pending U.S. Pat. Application No. 10/270,010 based on the amended claims filed August 29, 2005. The co-pending U.S. Pat. Appl. No. 10/270,010 and the present application are commonly owned and assigned to SYNT:EM, S.A. of Nimes, France. Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c) to overcome this provisional rejection.

The claims 18 and 19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of co-pending U.S. Pat. Application No. 10/336,312. The co-pending U.S. Pat. Appl. No. 10/336,312 and the present application are commonly owned and assigned to SYNT:EM, S.A. of Nimes, France. Applicants submit herewith a terminal disclaimer in compliance

with 37 C.F.R. §1.321(c) to overcome this provisional rejection.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

The instant amendment does not raise any new issue which would require further search or reconsideration by the Examiner since the amendments are directed to overcoming only 112 issues. Further, the instant amendment does not raise any issue of new matter.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is respectfully requested to contact Applicants' attorney at the telephone number listed below.

Applicants enclose herewith a check in the amount of \$260.00 to cover the fee for filing the Terminal Disclaimers.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Bernard Calas et al.

By


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I, Antoinette Sullo, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on December 28, 2005.

